
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 557

The Agricultural Holdings (Right to Buy Modifications) (Scotland) Regulations 2004

Modification of tenant's right to buy land – general

3.—(1) For the purposes of Part 2 as it applies to—

- (a) a general partner of a limited partnership tenant of a 1991 Act tenancy⁽¹⁾ who may exercise or enforce any right of a tenant under that Part by virtue of section 72(2) of the 2003 Act (rights of certain persons where tenant is a limited partnership); or
- (b) a former general partner of such a tenant and tenancy who becomes the tenant in their own right under section 72(6) of the 2003 Act,

the modifications in paragraphs (2) to (4) below shall apply.

(2) Unless the context otherwise requires, and subject to paragraphs (3) and (4) and regulation 4 below, references in Part 2 to the “tenant” and the “tenant’s interest” shall include references to any general partner (or former general partner) and any general partner’s (or former general partner’s) interest for the purposes of giving effect to Part 6 of the Act or these Regulations.

(3) Section 25(3) of the 2003 Act (contents of notice registering a tenant’s interest) is modified to apply as if after paragraph (a) there were inserted—

“(aa) the particulars of any general partner of a limited partnership tenant;”.

(4) The following provisions shall apply as if the notice which must be given to the tenant in each case must be given to any general partner (or former general partner) of a limited partnership tenant in addition to the tenant:—

- (i) section 25(5) (Keeper sending extract of registration);
- (ii) section 25(6) (intimation of standard security);
- (iii) section 25(10) (intimation of rescinding or sending of amendment of registration); and
- (iv) section 26(1)(a) (notice of proposal to transfer land).

(1) A “1991 Act tenancy” is defined in sections 1(4) and 93 of the 2003 Act; the 1991 Act referred to is the Agricultural Holdings (Scotland) Act 1991 (c. 55).